

## C.) REMARKS:

1. Introduction

Claims 1-4, 7-13, 17-24, 42-44, 47-53, and 55-58 are currently pending in this application. Claims 1, 7, 10, 42, 43, 44, 47, 53, 55, and 58 have been amended. Claims 1, 7, 10, 42, 43, 44, 53, 55, and 58 are independent.

2. Claim Rejections Under 35 U.S.C. §112, first paragraph

Applicant respectfully submits that the claims have been carefully revised in view of the rejections of claims 1-4, 6-13, 17-24, and 53-58 under 35 U.S.C. §112, first paragraph, and that all claims are now clearly enabled by the specification and are in full compliance with all requirements under 35 U.S.C. §112. Withdrawal of the rejections under 35 U.S.C. §112, first paragraph is respectfully requested.

3. Claim Rejections Under 35 U.S.C. §112, second paragraph

Applicant respectfully submits that the above amendments to the claims overcome the rejections under 35 U.S.C. §112, second paragraph by eliminating any ambiguities in the claim language. Withdrawal of the rejections under 35 U.S.C. §112, second paragraph is respectfully requested.

4. Claim Rejections Under 35 U.S.C. §102(e)

The Office Action has rejected claims 10, 18, 24, 44, 53-56, and 58 under 35 U.S.C. §102(e) as allegedly being anticipated by Shiels (6,222,925). To the extent that this rejection may be considered to apply to the newly amended claims, the rejection is traversed as being based upon a reference that does not disclose all of the features included in the claimed embodiments of independent claims 1, 7, 10, 42, 43, 44, 53, 55, and 58, and hence dependent claims 2-4, 8-9, 11-13, 17-24, 47-52, and 56-57.

The novel combination of features set forth in original dependent claim 6, which depended from independent claim 1, was recognized in the Office Action as being neither disclosed nor suggested in any of the applied references since claim 6 was not rejected based on any of the references of record. In Shiels, multiple story lines are held on disk, with various

branches in the story line being selectable based on the viewer's responses, and with the user-influenced path through the structured narrative including the ability to lock certain image frame sequences. All of the image frame sequences are already available such that a user can take alternate paths. Shields neither discloses nor suggests providing access to an initial episodic content module and a technology module for implementing the content module, wherein the technology module can be modified independently from the content module. Nor does Shields disclose or suggest implementing in the content server one or more episodes of a storyline into corresponding episodic game modules, and generating a technology module and a content module for one or more of the episodic game modules to allow modification of the technology module independently from modification of the content of an episodic game module.

For at least the above reasons, Applicant submits that Shields fails to disclose all of the features of each of the claimed embodiments of all pending claims, and withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

Claims 1, 7, 42-43, 47, and 49-52 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sinclair (6,554,707). To the extent that this rejection may be considered to apply to the newly amended claims, the rejection is traversed as being based upon a reference that does not disclose all of the features included in the claimed embodiments of independent claims 1, 7, 10, 42, 43, 44, 53, 55, and 58, and hence dependent claims 2-4, 8-9, 11-13, 17-24, 47-52, and 56-57.

Sinclair discloses a system wherein players can use mobile stations that are connected by wireless communication links to a network, a wireless application protocol, and a server. A game service on the server provides various preexisting story segments and interactive segments, and the player can chose whether to proceed to subsequent story segments or to discontinue playing. Sinclair does not disclose or suggest providing access to an initial episodic content module and a technology module for implementing the content module, wherein the technology module can be modified independently from the content module. Nor does Sinclair disclose or suggest implementing in the content server one or more episodes of a storyline into corresponding episodic game modules, and generating a technology module and a content module for one or more of the episodic game modules to allow modification of the technology module independently from modification of the content of an episodic game module.

For at least the above reasons, Applicant submits that Sinclair fails to disclose all of the features of each of the claimed embodiments of all pending claims, and withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

5. Claim Rejections Under 35 U.S.C. §102(b)

The Office Action has rejected claims 43, 44, and 55-58 under 35 U.S.C. § 102(b) as allegedly being anticipated by Miles (6,102,406). Claims 44, 53-56, and 58 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Marks (5,755,621). Miles is directed to an internet-based service wherein a participant takes part in a scavenger hunt by answering questions with information obtained from one or more web sites reached through an authorized path that includes at least one predetermined Web address, thereby exposing the participant to desired advertising at the predetermined Web address.

Marks is directed to an electronic system for simultaneously playing a tournament game among a plurality of players, and an individual game where the player plays against the house. Applicant respectfully submits that neither Miles nor Marks disclose or suggest providing access to an initial episodic content module and a technology module for implementing the content module, wherein the technology module can be modified independently from the content module. Nor does either Miles or Marks disclose or suggest implementing in the content server one or more episodes of a storyline into corresponding episodic game modules, and generating a technology module and a content module for one or more of the episodic game modules to allow modification of the technology module independently from modification of the content of an episodic game module.

For at least the above reasons, Applicant submits that Miles and Marks, considered individually or in combination, fail to disclose all of the features of each of the claimed embodiments of all pending claims, and withdrawal of the rejections under 35 U.S.C. § 102(b) is respectfully requested.

6. Claim Rejections Under 35 U.S.C. §103a)

The Office Action rejects claims 2-4, 8-9, 11-13, 17, 19, 20-23, and 48 under 35 U.S.C. §103(a) as allegedly being unpatentable over various combinations of Sinclair, Miles, Shiels, the

Background, Eichstaedt, Wicks, and Forrest. As noted above, original dependent claim 6 is not rejected based on any of the references of record. All pending claims now incorporate the novel and non-obvious combination of features originally included in the claimed embodiment of dependent claim 6. Applicant respectfully submits that none of the references of record, whether considered alone or in combination, disclose or suggest providing access to an initial episodic content module and a technology module for implementing the content module, wherein the technology module can be modified independently from the content module. Nor do any of the references of record, whether considered alone or in combination, disclose or suggest implementing in the content server one or more episodes of a storyline into corresponding episodic game modules, and generating a technology module and a content module for one or more of the episodic game modules to allow modification of the technology module independently from modification of the content of an episodic game module.

For at least the above reasons, Applicant submits that all pending claims are now in condition for allowance, and withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

#### 7. Reservation of Rights

Applicant believes every assertion by the Office Action has been addressed, however in the interest of clarity and brevity, Applicant may not have asserted every available argument for each assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request

that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

8. Conclusion

This Response is believed to be responsive to each issue raised in the Office Action dated July 14, 2010. Reconsideration and allowance of each of the pending claims 1-4, 7-13, 17-24, 42-44, 47-53, and 55-58 is likewise respectfully requested. The Examiner is invited to contact Applicant's representative, William Trousdell, at (703) 966-3932 if it will advance the prosecution of this application.

Please charge any additional fees under 37 CFR §§ 1.16, 1.17, 1.18, 1.20 and 1.21 that may be required to maintain pendency of the present application, or apply any credits to our PTO deposit account number: 50-2396.

Respectfully submitted,

Dated: November 15, 2010 By: /William O. Trousdell/  
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